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Remarks.

Newly amended Claims 1-9, 11, and 13-20, of which the claims 1, 8 and 15 are independent, are now presented for approval.

The Examiner's new grounds for rejection of claims 1-20, under 35 USC § 103, and the cited references have been carefully considered by the Applicant.

Reconsideration of the application as hereby amended is respectfully requested.

In relation with the Examiner's rationale for the obviousness rejection of the claims over Hayes in view of Wendt, and in particular in relation with the Examiner's reading of features of the claims on the basic reference to Hayes as set forth in the Detailed Action and with the newly submitted claims, the following is submitted.

-The Examiner's statement that "The support 18 being formed from a single element made of molded plastic material...(col 5, lines 19-21)" does not appear to be in accordance with the disclosures of Hayes, since the "*the sample chamber 12*" of Hayes that is said to be "*a molded one piece body of a plastic*" is a "*sample chamber 12 that has a sample holding portion 20...and a generally flat flange member 24....the flange member 24...provides a clamping surface for the holder to clamp the chamber, gasket...*" and not the chamber holder 18, disclosed at column 6, lines 47-48, that is taught to be "*of conventional design, and typically is a channel-shaped sheet metal body*".

-Viceversa, the *chamber holder 18* of Hayes cannot be read both as the "*sample chamber 12*" of Hayes and the claim recited holder support. Both the holder 18 of Hayes and the claim recited holder are disclosed and, respectively, claimed as separate elements that are distinct from the sample chamber and perform different functions, defined expressly in Hayes by the limitations "*spring clip chamber holder 18*", "...*holder 18 ...has a pair of side rails spaced to receivethe flange member 24 therein*" (column 4, line 49; and column 6, lines 47-50), and recited in the claims as a "holder

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support for a sample container assembly... that is suitable to be detachably connected with the sample container assembly". The sample chamber 12 of Hayes neither meets such limitations nor the other limitations of the claims regarding the comprising of the elements "flat supporting body. .with edges that protrude therefrom so as to form a seat adapted to accommodate... clamp meansfor detachably accommodating and retaining ...the slide...transverse pivot...".

-The Examiner states that Hayes discloses a "wall 12 protruding at right angles from the supporting base 20...." apparently considering the "supporting base 20" as being the bottom of the sample chamber 12, opposite to the "supporting base 24".

Then indicates "the horizontal channel 44" as equivalent to the "tortuous path" indicated in the Office Action of 07/22/2005 and which may, at the most be "horizontal" only at the front end 44 of the baffles 38, 40, 42 and only at the portion parallel with the flange 24 as meeting the limitation of the claims "extending along said wall 12 away from and perpendicularly ...between the lower region of the funnel and said supporting base 24".

There is no single flange shaped supporting base in Hayes that would meet all of limitations set forth in the claims for what it is clearly claimed as the same and single supporting base (a vertical flat supporting base shaped as a flange for supporting by insertion thereof in said holder support the sample container assembly in an upright position upon mounting of the sample container assembly in the cytocentrifuge, a wall protruding at right angles from the said supporting base, at least one funnel supported by the wall and provided in a lower region thereof with a corresponding horizontal connection channel extending along said wall and away from and perpendicularly to said flange shaped supporting base between the lower region of the funnel and the supporting base).

-The Examiner states that Wendt teaches *retaining springs* (Col 3, lines 10-11), i.e. the spring 30 onto the cross-member 20, *clamp means* 222 provided at the edges which have levers....226.

However, such *springs, clamp means, levers...* are all taught by Wendt to be provided formed on the cross-member 20, 220.

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Thus the elements disclosed by Wendt do not meet the limitations of the claims (see claim 8) in which the clamp means are formed on the longitudinal side edges.

The field of endeavor of the applicant's claimed invention is that of the cytocentrifugation, in which sample supports are known to be required that are suitable to withstand very high dynamic (centrifugal) forces for blood separation that are known in the field to be as high as 250x to 600x g and higher.

Hayes teaches that in this field metallic holder supports are customary (see above).

Thus, the primary concern of the one skilled in the art would not be that of saving costs on the material and therefore take example from the plastic, photographic slide supports of Wendt, but that of the safety in use of the device.

Although the different main Claims 1, 8 and 15 have different scopes (device, combination and kit), in the rejections set forth in the Office Action, such Claims were grouped and treated together (as Claims 1-20) as if they were of the same scope.

Furthermore, in establishing the alleged obviousness of the subject-matter of claim 1 teachings were combined with those of the basic reference to Hayes drawn from a document (Wendt) that is neither in the field of applicant's endeavor, nor it is pertinent for the particular problem with which the inventor was concerned.

Wendt deals with the field of photographic slide trays with plural holder cells and with the specific problem of the easy removal-insertion of transparency slides in such cells.

Such considerations along with the strongly felt need to provide a resistant, safe, non-deformable sample container holder, apparently always prevented the ones skilled in the art, though plastics sample containers were used, to consider provision of a

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disposable, single-use, plastic holder (see Hayes).

Should the monolithic plastic holder be so obvious to provide, to "save costs on materials and provide a simpler ready device" as the Examiner argues, in view of the known use of plastic sample containers, then why no one has ever provided one for cytocentrifugation in more than 11 years from the invention of Hayes?

Regarding the cost savings issue, it is also submitted that in the pertinent technical field, the plastics injection/molding for the fabrication of monolithic structures with protruding complex configurations and good resistance is known to be difficult and expensive to perform since highly technical complicated molds and machinery are necessary that are costlier than a press suitable to shape a "conventional sheet metal body".

It is therefore submitted that there is no prior art among the documents cited by the Examiner nor is any objective indication in the common knowledge of the ones skilled in the cytocentrifugation to show any desirability of possibly replacing an plural-piece, assembled metal holder with a monolithic, single-use one in plastics.

On the contrary, it is clearly apparent that it is a lack of motivation for the skilled person for such modification.

Notwithstanding the above, and making a sincere effort to put the claims as soon as possible in an allowable condition new amendments to claims 1, 8 and 15, are hereby submitted for approval.

It is therefore believed that the application is an allowable condition and allowance thereof is respectfully solicited.

While it is believed that the amended claims properly and clearly define the present

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invention, applicant would be open to any suggestion or amendment the Examiner may have or propose concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



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